

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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SYLVESTER THOMAS,

Plaintiff,

v.

Case No. 10-C-948

J.B. VAN HOLLEN, et al.,

Defendants.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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On October 21, 2010, Sylvester Thomas filed a petition pursuant to 42 U.S.C. § 1983, alleging that his civil rights were violated. In a screening order, I dismissed Plaintiff's claims. (Order of October 26, 2010.) Thomas has filed a motion for reconsideration, asking the Court to revisit its dismissal of his case.

A motion for reconsideration serves a very limited purpose in federal civil litigation; it should be used only "to correct manifest errors of law or fact or to present newly discovered evidence." *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir. 1987) (quoting *Keene Corp. v. Int'l Fidelity Ins. Co.*, 561 F. Supp. 656, 665-66 (N.D. Ill. 1976), *aff'd* 736 F.2d 388 (7th Cir. 1984)). "A 'manifest error' is not demonstrated by the disappointment of the losing party. It is the 'wholesale disregard, misapplication, or failure to recognize controlling precedent.'" *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (quoting *Sedrak v. Callahan*, 987 F. Supp.

1063, 1069 (N.D. Ill. 1997)). Such motions are disfavored and should be “rare.” *Bank of Waunakee v. Rochester Cheese Sales, Inc.*, 906 F.2d 1185, 1191 (7th Cir. 1990).

Here, Plaintiff’s motion for reconsideration contains no new evidence and points to no new controlling law. Instead Thomas reiterates his earlier arguments and cites cases that were available at the time he filed his lawsuit. (Mot. for Recons. at 1-2.) The cases Thomas cites in his motion do not alter the analysis or outcome of my decision that the doctrine of res judicata bars Thomas’ current lawsuit.

**IT IS THEREFORE ORDERED** that petitioner’s motion for reconsideration is **DENIED**.

Dated this 2nd day of November, 2010.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge